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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ALISA APPS

**Plaintiff.**

V.

JOHN NEWMAN, STEVE BOOKER,  
INDIVIDUALS, ISLAND RECORDS, a  
United Kingdom corporation, and  
UNIVERSAL MUSIC GROUP, INC., a  
Delaware corporation

### Defendants.

Case No. 2:16-cv-1132

# **COMPLAINT FOR COPYRIGHT INFRINGEMENT**

## JURY TRIAL DEMANDED

Plaintiff Alisa Apps (“Ms. Apps”), by and through her appointed counsel, complains of Defendants as follows:

## **JURISDICTION AND VENUE**

1. This action arises out of the U. S. Copyright Laws, 17 U.S.C. §501 *et seq.*
  2. This Court has subject matter jurisdiction over the action pursuant to 17 U.S.C. § 501(a) and 28 U.S.C. §§ 1331 and 1338.

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3. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400 because the Defendants conduct business within this judicial district, they or their agents or affiliates can be found in this judicial district, and acts giving rise to this complaint are believed to have occurred within this judicial district.

## PARTIES

**4.** Ms. Apps is an individual residing in Las Vegas, Nevada.

5. Upon information and belief, Defendant Universal Music Group, Inc. (“Universal”) is a Delaware Corporation with a principal place of business in Santa Monica, California.

**6.** Upon information and belief, Universal discovers and develops songwriters, and owns and administers copyrights to musical compositions for use in recordings, public performances, and related uses, such as films and advertisements; and sells artist and music branded products through multiple sales points including online, fashion retail, and live performances worldwide, including this judicial district.

7. Upon information and belief, Island Records is a United Kingdom-based corporation that conducts a substantial amount of its business in this district and elsewhere in the United States, and is a wholly-owned subsidiary of Universal.

8. Upon information and belief, during all relevant times, Defendants John Newman (“Newman”) and Steve Booker (“Booker”) were operating in concert with, and under direction from, Island Records and/or Universal

## FACTS

**9.** Ms. Apps is a professional singer, songwriter, performer, and musician. She has performed her music all over the country including cities within this judicial district.

**10.** Ms. Apps is the original author of the words and music in the song entitled, "Need to Know," which she created on or about 2004.

1       **11.** On February 16, 2007, Ms. Apps registered her copyright in the words and  
 2 music of “Need to Know” with the United States Copyright Office. A copy of her Copyright  
 3 Registration Number PAu003112075 for “Need to Know” is attached hereto as [Exhibit A](#).

4       **12.** On or about January 30, 2008, Ms. Apps published “Need to Know” on the  
 5 popular video and music sharing website YouTube.com. “Need to Know” also became  
 6 available for purchase on her album *Confusion* on her website alisaapps.com.

7       **13.** Ms. Apps has publicly performed “Need to Know” dozens of times in various  
 8 music venues in California and Las Vegas, Nevada throughout 2008 and 2009. In particular,  
 9 Ms. Apps performed at least the following venues in California during 2008 and 2009: Aura  
 10 nightclub in Studio City, Sutra Lounge in Costa Mesa, Tentation Ultra Lounge in Newport  
 11 Beach, and an exclusive event at *Le Belvedere* mansion in Bel Air for Ritz-Carlton developer  
 12 Mohamed Hadid. In Las Vegas, Ms. Apps performed “Need to Know” at the Sapphire Pool  
 13 Grand Opening in May 2009.

14       **14.** Ms. Apps herself, and consequently her musical catalogue, has been in the  
 15 public eye as well, due to at least the following media attention: Cover of *OC Live* magazine  
 16 in November 2008, a live interview with MTV in October 2010, as well as at least the  
 17 following magazine articles, to be found by the URL's below:

- 18       a) MTV article by James Montgomery October, 2010  
           ([http://www.mtv.com/news/1649873/lady-gaga-challenged-to-1-million-sing-off-](http://www.mtv.com/news/1649873/lady-gaga-challenged-to-1-million-sing-off-by-la-performer/)  
           [by-la-performer/](#))
- 19       b) Billboard Magazine interview by Gail Mitchell October, 2010  
           (<http://www.billboard.com/articles/news/953669/alisa-apps-explains-her-lady-gaga-sing-off-challenge>)
- 20       c) Glamour Magazine (UK) October, 2010  
           (<http://www.glamourmagazine.co.uk/news/celebrity/2010/10/14/lady-gaga-challenged-to-1million-dollar-singing-contest>)

1       **15.** As a result of the extensive advertising, publication, and performances, “Need  
2 to Know” has been heard countless times since its publication.

3       **16.** Upon information and belief, one or more of the Defendants had online access  
4 to Ms. Apps' work “Need to Know,” through one or more of the above-mentioned sources.

5       **17.** Upon information and belief, one or more of the Defendants had access to Ms.  
6 Apps' work “Need to Know” through any one of Ms. Apps' public performances of the work.

7       **18.** Upon information and belief, and without Ms. Apps's knowledge or consent,  
8 one or more of the Defendants copied the words, music, and melody of certain portions of Ms.  
9 Apps' song “Need to Know” into an internationally-known and commercially successful  
10 infringing work “Love Me Again.”

11      **19.** On or about November 2009, Ms. Apps met with Mr. Shawn Corey Carter  
12 (“Mr. Carter”), more commonly known as the famous hiphop artist, producer, and  
13 entrepreneur “Jay-Z” in what was then known as “The Sports Club/LA” in Los Angeles,  
14 California. After a long discussion, Ms. Apps provided Mr. Carter with an audio recording of  
15 her song “Need to Know.” She provided this recording to Mr. Carter for his consideration and  
16 to engage in a potential business relationship.

17      **20.** On or about January 30, 2010, Ms. Apps met with Mr. Carter at Mr. Clive  
18 Davis's pre Grammy celebration in Los Angeles, California. At this meeting, Ms. Apps  
19 provided Mr. Carter with another copy of her audio recording of her song “Need to Know.”  
20 She provided this recording to Mr. Carter for his consideration and to engage in a potential  
21 business relationship.

22      **21.** Upon information and belief, Mr. Carter owns, manages and operates the  
23 entertainment company “Roc Nation,” which entered into a partnership with Universal on  
24 April 8, 2013.

25      **22.** Upon information and belief, one or more Defendants had access to a  
26 recording of Ms. Apps' “Need to Know” by virtue of their professional and personal  
27 relationships with Mr. Carter.

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1       **23.** Upon information and belief, Defendants released a video playing the  
 2 infringing work “Love Me Again” on the video sharing site YouTube on May 8, 2013.

3       **24.** Upon information and belief, Defendants released the infringing work “Love  
 4 Me Again,” in several European countries for digital download on May 17, 2013.

5       **25.** A demonstrative video clip that compares portions of the two works can be  
 6 found at the following URL and begins at the 1:36 mark:

7       <https://youtu.be/eGvanpz3tVA?t=1m36s>

8       **26.** The success of the infringing work “Love Me Again” catapulted Mr.  
 9 Newman's career from relative obscurity into one of international success. Upon information  
 10 and belief, Defendants released the full studio album of Mr. Newman, *Tribute*, on October 14,  
 11 2013. As a direct and proximate result from the success of “Love Me Again,” *Tribute* has  
 12 earned widespread commercial success and recognition.

13       **27.** Upon information and belief, the infringing work “Love Me Again” has  
 14 enjoyed widespread recognition, including but not limited to earning placement on a number  
 15 of United States *Billboard Music Chart* listings: *US Billboard Hot 100* (No. 30), *US*  
 16 *Mainstream Top 40* (No. 13), *US Dance Club Songs* (No. 15), and *US Adult Top 40* (No. 13).

17       **28.** Upon information and belief, the infringing work was certified “Platinum” on  
 18 August 4, 2014, by the Recording Industry Association of America (“RIAA”).

19       **29.** The infringing work “Love Me Again” has enjoyed widespread commercial  
 20 use, including but not limited to being featured on the soundtrack of the popular video game  
 21 “FIFA 2014” and in the closing credits of the 2014 science fiction film *Edge of Tomorrow*.  
 22 The infringing work was also featured on the USA TV series *Suits* in the episode “Buried  
 23 Secrets,” and in the opening scenes of the episode “One-Two-Three Go.” In addition, “Love  
 24 Me Again” is a playable song in popular video game “Just Dance 2015.”

25       **30.** Through these uses, and others, the infringing work has generated substantial  
 26 revenues and recognition for all named Defendants at the expense of Ms. Apps.

## **CAUSE OF ACTION**

## **COPYRIGHT INFRINGEMENT**

31. Ms. Apps incorporates the allegations made in paragraphs 1-30 as if fully set forth herein.

**32.** Defendants have committed copyright infringement under 17 U.S.C. § 501 et seq., directly, by inducement, or by way of contributory liability, by knowingly aiding, causing, or committing, the unauthorized practice or execution of one or more exclusive rights owned by Ms. Apps set forth in 17 U.S.C. § 106, said exclusive rights having been perfected by U.S. Copyright Registration Number PAu003112075.

**33.** On information and belief, Defendants' direct and induced infringements are and have been knowing and willful. By this unlawful copying, use, and distribution, Defendants have violated Ms. Apps's exclusive rights under 17 U.S.C. § 106.

**34.** Defendants have realized unjust profits, gains and advantages as a proximate result of its infringement.

**35.** As a direct and proximate result of Defendants' direct and indirect willful copyright Infringement, Ms. Apps has suffered, and will continue to suffer, monetary loss to her business, reputation, and goodwill.

**36.** Ms. Apps is entitled to recover from Defendants, in amounts to be determined at trial, the damages Ms. Apps has sustained and will sustain, and any gains, profits, and advantages obtained by Defendants as a result of Defendants' acts of infringement and Defendants' use and publication of the copied work.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Ms. Apps, prays for the following relief:

A. An order entering judgment in favor of Ms. Apps and awarding damages to Ms. Apps in the amount of Ms. Apps's actual damages and any profits of the Defendants attributable to the infringing acts alleged herein, consistent with 17 U.S.C. § 504(a)(1), or,

upon election, an award of statutory damages consistent with 17 U.S.C. § 504(a)(2) together with prejudgment and post-judgment interest;

B. An award of full costs and reasonable attorney's fees against Defendants and in favor of Ms. Apps pursuant to 17 U.S.C. § 505; and

C. Any and all other legal and equitable relief as may be available under law and which the court may deem just and proper.

**JURY DEMAND**

Ms. Apps demands a trial by jury for all issues so triable.

Dated this 20th day of May, 2016

Respectfully Submitted,

**WEIDE & MILLER, LTD.**

/s/ Ryan Gile

Ryan Gile, Esq.

F. Christopher Austin, Esq.

7251 W. Lake Mead Blvd., Suite 530

Las Vegas, NV 89128

*Of Counsel (pro hac to be submitted):*

Philip P. Mann, Wash. Bar No: 28860  
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## Approaches for Classification A

**COMPLAINT FOR  
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# EXHIBIT A

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

**C Form PA**  
For a Work of Authorship

**PAu3-112-075**

REPLACES 112-075

|PAU/

EFFECTIVE DATE OF REGISTRATION

2 16 07

Month Day Year

HATE CONTINUATION SHEET

**TITLE OF THIS WORK ▼**

NEED TO KNOW

**PREVIOUS OR ALTERNATIVE TITLES ▼**

**NATURE OF THIS WORK ▼ See Instructions**

WORDS and MUSIC

**NAME OF AUTHOR ▼**

**a** ALISA Apps

Was this contribution to the work a "work made for hire"?

Yes

No

**AUTHOR'S NATIONALITY OR DOMICILE**

Name of Country

OR

Citizen of \_\_\_\_\_

USA

Domiciled in \_\_\_\_\_

**DATES OF BIRTH AND DEATH**

Year Born ▼ Year Died ▼

1979

Year Died ▼

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

If the answer to either of these questions is "Yes," see detailed instructions.

Anonymous?  Yes  No

Pseudonymous?  Yes  No

**NOTE**

Under the law, the "author" or a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

**b**

Was this contribution to the work a "work made for hire"?

Yes

No

**AUTHOR'S NATIONALITY OR DOMICILE**

Name of Country

OR

Citizen of \_\_\_\_\_

USA

Domiciled in \_\_\_\_\_

**DATES OF BIRTH AND DEATH**

Year Born ▼ Year Died ▼

1979

Year Died ▼

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

If the answer to either of these questions is "Yes," see detailed instructions.

Anonymous?  Yes  No

Pseudonymous?  Yes  No

**NAME OF AUTHOR ▼**

**c**

Was this contribution to the work a "work made for hire"?

Yes

No

**AUTHOR'S NATIONALITY OR DOMICILE**

Name of Country

OR

Citizen of \_\_\_\_\_

USA

Domiciled in \_\_\_\_\_

**DATES OF BIRTH AND DEATH**

Year Born ▼ Year Died ▼

1979

Year Died ▼

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

If the answer to either of these questions is "Yes," see detailed instructions.

Anonymous?  Yes  No

Pseudonymous?  Yes  No

**YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED**

**a**

200+

This information must be given in all cases.

**DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK**

Complete this information Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_ Nation \_\_\_\_\_

ONLY IF THE WORK HAS BEEN PUBLISHED.

See instructions before completing this space.

**COPYRIGHT CLAIMANT(S)** Name and address must be given even if the claimant is the same as the author given in space 2. ▼

ALISA Apps  
1033 Highland Ave # 410  
Los Angeles, CA 90024

**TRANSFER** If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

**PUBLICATION RECEIVED**

**FEB 16 2007**

**ONE DEPOSIT RECEIVED**

**FEB 16 2007**

**TWO DEPOSITS RECEIVED**

**FUND'S RECEIVED**

**MORE ON BACK ▶** • Complete all applicable spaces (questions 5-8) on the reverse side of this page.  
• See detailed instructions.  
• Sign the form at line 8.

**DO NOT WRITE BEYOND**

**Page 1 of 2**

EXAMINED BY *MAS*

FORM PA

\*Sound recording registered separately in  
Class SR.

CHECKED BY \_\_\_\_\_

CORRESPONDENCE \_\_\_\_\_

 YesFOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

- No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)  If your answer is No, do not check box A, B, or C.
- a.  This is the first published edition of a work previously registered in unpublished form.
  - b.  This is the first application submitted by this author as copyright claimant.
  - c.  This is a changed version of the work, as shown by specific identification markings.

5

If your answer is "Yes," give Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

a 6

See instructions  
before completing  
this space.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
Name ▼ Account Number ▼

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip▼

b

ALISA APPS  
1033 Hilgard Ave #410  
Los Angeles, CA 90024

Area code and daytime telephone number (310) 966-7925 Fax number (310) 248-2972  
Email [INFO@ALISA-APPS.COM](mailto:INFO@ALISA-APPS.COM)

MAILING ADDRESS

RECEIVING ADDRESS

Check only one ►

- other copyright claimant
- owner of exclusive right(s)
- authorized agent of \_\_\_\_\_

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge. ▲

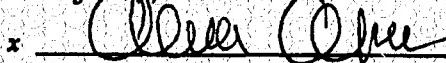
8

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

ALISA APPS

Date *Feb 13, 07*

Handwritten signature (if) ▼



Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:

Name ▼	Alisa Apps
Number/Street/Apt ▼	1033 Hilgard Ave #410
City/State/Zip ▼	Los Angeles, CA 90024

- Complete all necessary spaces
- Sign your application in space 8

- 1. Application form
- 2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
- 3. Deposit material

Library of Congress  
Copyright Office  
101 Independence Avenue SE  
Washington, DC 20559-6000

9

\*17 USC §506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.